

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5143 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JAISINH ATMARAM CHAUDHARI

Versus

STATE OF GUJARAT

Appearance:

MR VH DESAI for Petitioners

MR SA PANDYA, APP for Respondent No. 1

MR KETAN D SHAH for Respondent No. 2

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 05/03/99

ORAL JUDGEMENT

Heard learned counsel for the petitioners, Mr.V.H.Desai, learned APP for the State, Mr.S.A.Pandya and learned counsel for respondent No.2, Mr.Ketan D. Shah. At the end of arguments, learned counsel for the petitioners has sought permission to withdraw this petition. Permission is granted. This petition stands

disposed of as withdrawn. Rule is discharged.

It has come out during the course of arguments of learned counsel for the petitioners that application for Police remand submitted by the Investigating Officer before the Court below has been rejected. Against that, State has preferred revision application on 1-12-1998 in the Sessions Court, Kutch-Bhuj being Criminal Revision Application No.71 of 1998. It is surprising and shocking that though this revision application for Police remand has been filed on 1-12-1998, Sessions Court has not taken any care in the matter till March, 1999. In matters wherein question of Police remand is involved, it is the duty of the Court below, more particularly the Revisional Court, to decide the matter, if possible, on the same day and, if not possible, then on a day to day basis. But it cannot be prolonged in this fashion. It is nothing but denial of justice to the prosecution or the party concerned. This type of practice is required to deprecated in any circumstances of the case. Therefore, I direct the District & Sessions Judge, Kutch-Bhuj to dispose of the revision application on or before 15th March, 1999. If any other matters involving Police remand are pending in his district, then in the interest of justice he should see that the same are disposed of as early as possible. District & Sessions Judge is directed to send his explanation regarding non-disposal of the Revision Application No.71 of 1998 within a reasonable time so as to reach this Court on or before 19th of March, 1999.

...
radhan/